

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-32 are pending in the present application, Claims 1, 8, 15, and 22 have been amended. Support for the amendments to Claims 1, 18, 15, and 22 is found, for example in Figs. 4-6. Thus, no new matter is added.

In the outstanding Office Action, the title was objected to; Claim 23 was objected to; Claims 1-7, 15-21, 29, and 31 were rejected under 35 U.S.C. §112, second paragraph; Claims 1, 7-8, 14-15, 21-22 and 28-32 were rejected under 35 U.S.C. §102(e) as anticipated by Kuwajima et al. (U.S. Patent No. 6,751,064, hereinafter Kuwajima); Claims 4-6, 11-13, 18-20 and 25-27 were rejected under 35 U.S.C. §103(a) as unpatentable over Kuwajima; and Claims 2-3, 9-10, 16-17 and 23-24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kuwajima et al. '064 in view of Sato (JP 09-082052).

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representatives on December 14, 2005. During the interview, differences between the present invention and the applied art, and the rejections noted in the outstanding Office Action were discussed. Language defining over the art of record was discussed, including defining the head arm to be pivotably supported at a proximal end thereof and to support the load beam at a distal end of the head arm. The Examiner indicated that the claims, amended as discussed during the interview, appeared to distinguish over the art of record. However, no agreement was reached pending the Examiner's further review when a response is filed. Applicants have amended the independent claims as discussed during the interview.

With respect to the objection to the title and Claim 23, the title and Claim 23 are amended as suggested in the outstanding Office Action. Accordingly, Applicants respectfully submit that the objection to the specification is overcome.

With respect to the rejection of Claim 1 under 35 U.S.C. §112, second paragraph, Claim 1 is amended to change “said load generating portion” to “said load generating member,” which has antecedent basis in Claim 1. Accordingly, Applicants respectfully submit that Claim 1 (and Claims 1-7 and 29) comply with the requirements of 35 U.S.C. §112.

With respect to the rejection of Claim 15 under 35 U.S.C. §112, second paragraph, Claim 15 is amended to provide antecedent basis for “said head arm.” Accordingly, Applicants respectfully submit that Claim 15 (and Claims 16-21 and 31) comply with the requirements of 35 U.S.C. §112.

With respect to the rejection of Claim 1 under 35 U.S.C. §102(e) as anticipated by Kuwajima, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Claim 1 is amended to recite, *inter alia*, “a head arm that is supported at a proximal end thereof in such a way as to be pivotable in a radial direction of a recording medium and supports said load beam at a distal end of the head arm” Kuwajima does not describe or suggest this element of amended Claim 1.

Kuwajima includes a support arm 2, which supports a floating type slider. In this apparatus, a pair of bosses 11a and 11b, and a plate spring 4 comprise a floating structure which allows the support arm to swing. However, Kuwajima fails to teach or suggest that support arm 2 is separated into a load beam and a head arm as claimed in Claim 1 (and in Claims 8, 15, and 22).

Kuwajima includes coil holder 8, which supports support arm 2. The outstanding Office Action takes the position that coil holder 8 equates to the claimed “head arm.”¹ However, coil holder 8 is not supported at a proximal end thereof in such a way as to be pivotable in a radial direction of a recording medium, and coil member 8 does not support a load beam at a distal end of the coil member 8. As shown in Fig. 4 of Kuwajima, coil member 8 supports support arm 2 with the same end that coil member 8 is pivotable about.

Accordingly, it is submitted that Kuwajima fails to describe or suggest “a head arm that is supported at a proximal end thereof in such a way as to be pivotable in a radial direction of a recording medium and supports said load beam at a distal end of the head arm.”

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and Claims 2-7 and 29) patentably distinguish over Kuwajima. In addition, amended Claims 8, 15, and 22 are similar to amended Claim 1. Thus, Applicants respectfully submit that Claims 8, 15, and 22 (and Claims 9-14, 16-21, and 23-32) patentably distinguish over Kuwajima for at least the reasons stated for Claim 1.

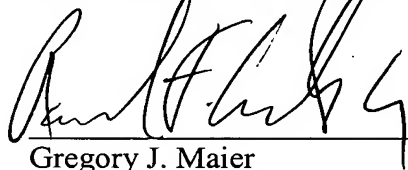
Furthermore, Applicants respectfully submit that Sato does not cure the above-noted deficiencies in Kuwajima.

¹ Office Action, mailed September 21, 2005, page 4.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Raymond F. Cardillo Jr.
Registration No: 40,440